

**IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BONNI BUCCINI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:19-cv-3672
	)	
WALMART INC.	)	
	)	
	)	
Defendant.	)	
	)	

**COMPLAINT**

Plaintiff, Ms. Bonni Buccini (“Buccini” and “Plaintiff”), by and through her attorneys, Pietrucha Law Firm, LLC, for her Complaint against the Defendant, Walmart Inc. (“Walmart” and “Defendant”), alleges and states as follows:

**JURISDICTION AND VENUE**

1. Buccini brings this action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) et seq. (“Title VII”) for Walmart having discriminated against her during her employment on the basis of her gender and sexual orientation, and for retaliating against her for complaining of unlawful workplace discrimination.
2. This matter arises under federal law, and this Court therefore has jurisdiction over this matter pursuant to 28 U.S.C. § 1331.
3. Venue is proper pursuant to 42 U.S.C. § 2000e et seq. as this is the judicial district where the unlawful employment practices arose.

### **PARTIES**

4. Buccini is an individual who resides in Bureau County, Illinois.
5. Buccini was employed but is no longer employed by the Defendant.
6. Walmart is a multinational retail corporation that operates chains of discount department and grocery stores.
7. Walmart is a Delaware corporation.
8. Walmart owns and operates a distribution facility in Spring Valley, Illinois.
9. At all material times, Walmart was an employer as defined by the statutes listed herein.

### **ADMINISTRATIVE PROCEEDINGS**

10. On September 4, 2018, Buccini filed a Charge of Discrimination with the Equal Employment Opportunity Commission (the "EEOC"). See Exhibit A, attached hereto.
11. On March 18, 2019, the EEOC issued a Notice of Right to Sue to Buccini. See Exhibit B, attached hereto.
12. Buccini exhausted her administrative remedies as required and timely filed this lawsuit within 90 days of her receipt of the EEOC Notice of Right to Sue.

### **FACTUAL ALLEGATIONS**

13. Defendant Walmart hired Plaintiff Buccini in 1999, and Buccini worked for Walmart for nearly 20 years.
14. Buccini's most recent role was Area Manager at Walmart's Spring Valley, Illinois distribution center.
15. Buccini is a female, her sexual orientation is homosexual and she is married to a female.
16. During Buccini's employment, Walmart was aware of Ms. Buccini's sexual orientation, as her wife also works at Walmart.

17. Buccini was qualified for her job, but despite her qualifications, in 2011 Walmart demoted her based on her gender and replaced her with a male employee she was forced to train.

18. Additionally, since 2011, Ms. Buccini endured a less favorable work environment based on her gender as Walmart promoted male workers over female workers.

19. In 2018, Ms. Buccini reported harassment and hostile work environment another female employee was experiencing based on gender. After reporting the issue, Walmart told Ms. Buccini her shift would be reassigned, under the pretext of business needs.

20. Ms. Buccini could not work the new shift hours, requested an appropriate shift to meet her childcare and family needs, but was denied and treated less favorably than heterosexual married couples who needed to meet childcare and family needs.

21. Walmart changed Ms. Buccini's shift for discriminatory and retaliatory reasons based on Ms. Buccini's gender and sexual orientation, and in retaliation for reporting a harassment issue of a female coworker.

22. As a result of this change in working conditions, Ms. Buccini was forced to resign as Walmart's shift change created a childcare hardship.

23. Ms. Buccini was constructively terminated from Walmart on October 5, 2018, and she was forced to take a new job with a new company.

**COUNT I**  
**TITLE VII GENDER DISCRIMINATION**

24. Buccini realleges paragraphs 1-23 above as if fully pleaded herein.

25. Ms. Buccini was subjected to discrimination, less favorable terms, conditions and different job assignments in her employment with Walmart because of her gender.

26. Defendant's actions violated Title VII.

27. Defendant's actions were deliberate, willful and in reckless disregard for Ms. Buccini's

civil rights.

28. Ms. Buccini has suffered damages as a result of Defendant's unlawful conduct.

29. As a direct and proximate cause of the unlawful and discriminatory practices alleged, Ms. Buccini has suffered lost compensation and other monetary benefits, lost future employment opportunities, severe emotional and psychological distress, and other damages to be proven at trial.

**COUNT II**  
**TITLE VII SEXUAL ORIENTATION DISCRIMINATION**

30. Buccini realleges paragraphs 1-23 above as if fully repleaded herein.

31. Ms. Buccini was subjected to discrimination, less favorable terms, conditions and different job assignments in her employment with Walmart because of her sexual orientation.

32. Defendant's actions violated Title VII.

33. Defendant's actions were deliberate, willful and in reckless disregard for Ms. Buccini's civil rights.

34. Ms. Buccini has suffered damages as a result of Defendant's unlawful conduct.

35. As a direct and proximate cause of the unlawful and discriminatory practices alleged, Ms. Buccini has suffered lost compensation and other monetary benefits, lost future employment opportunities, severe emotional and psychological distress, and other damages to be proven at trial.

**COUNT III**  
**RETALIATION/FAILURE TO INVESTIGATE/CONSTRUCTIVE DISCHARGE**

36. Buccini realleges paragraphs 1-23 above as if fully repleaded herein.

37. Ms. Buccini was subjected to discrimination, less favorable terms, conditions and different job assignments in her employment with Walmart because of her reporting of harassment, a hostile work environment, and discrimination and was constructively discharged.

38. Walmart knowingly and intentionally refused to adequately and sufficiently investigate

Ms. Buccini's complaints.

39. Defendant's actions violated Title VII.

40. Defendant's actions were deliberate, willful and in reckless disregard for Ms. Buccini's civil rights.

41. Ms. Buccini has suffered damages as a result of Defendant's unlawful conduct.

42. As a direct and proximate cause of the unlawful and discriminatory practices alleged, Ms. Buccini has suffered lost compensation and other monetary benefits, lost future employment opportunities, severe emotional and psychological distress, and other damages to be proven at trial.

### **PRAYER FOR RELIEF**

For each of these violations, Plaintiff Ms. Bonni Buccini seeks to recover the following:

1. Compensatory damages in an amount to be determined by a jury.
2. Punitive damages in an amount to be determined by a jury.
3. Reasonable expenses, including but not limited to attorney fees.
4. Any further relief that may be appropriate.

### **JURY DEMAND**

Plaintiff demands a trial by jury.

Respectfully submitted,

/s/ Cynthia N. Pietrucha

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